STATUTORY RULES OF NORTHERN IRELAND

1991 No. 26 (C.2)

COMPANIES

Companies (1990 No. 2 Order) (Commencement No. 1) Order (Northern Ireland) 1991

Made - - - - 5th February 1991

The Department of Economic Development, in exercise of the powers conferred on it by Article 1 of the Companies (No. 2) (Northern Ireland) Order 1990(**1**) and paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(**2**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Companies (1990 No. 2 Order) (Commencement No. 1) Order (Northern Ireland) 1991.

(2) In this Order "the 1986 Order" means the Companies (Northern Ireland) Order 1986(**3**) and "the 1990 (No. 2) Order" means the Companies (No. 2) (Northern Ireland) Order 1990.

Provisions of Parts I and II of the 1990 (No. 2) Order brought into operation by this Order

2.—(1) The provisions of Article 1 of the 1990 (No. 2) Order, insofar as they are not already in operation, and Article 2 of that Order shall come into operation on 11th March 1991.

(2) In Part II of the 1990 (No. 2) Order, Articles 3 to 7 and 9 to 27, shall come into operation on 11th March 1991:—

(a) except for Article 13(2)(g) thereof to the extent that it refers to a body established by order under Article 48 of the Companies (Northern Ireland) Order 1990(**4**), and

(b) except to the extent that Articles 13(2), 24 and 25(2) thereof refer to Part V of the 1990 (No. 2) Order.

Provisions of Part IV of the 1990 (No. 2) Order brought into operation by this Order

3. In Part IV of the 1990 (No. 2) Order the following provisions shall come into operation on 11th March 1991:—

(**1**) S.I. 1990/1504 (N.I. 10)
(**2**) 1974 c. 28
(**3**) S.I. 1986/1032 (N.I. 6)
(**4**) S.I. 1990/593 (N.I. 5)

(a) Articles 48 to 58, subject, in the case of Articles 50 and 53 to 58, to the transitional and saving provisions set out in Article 4;

(b) Article 66, subject to the saving provision set out in Article 5;

(c) Article 67;

(d) Article 69(1), (2), (3), (5) and (6), subject to the transitional and saving provisions set out in Article 6;

(e) Article 71, subject to the transitional provision set out in Article 7;

(f) Article 72—

(i) paragraph (1);

(ii) paragraph (2) for the purposes of a directors' report of a company (within the meaning of Article 3 of the 1986 Order) but subject to the transitional provision set out in Article 8;

(g) Article 75, and

(h) paragraphs 8, 9, 12 and 14 to 17 of Schedule 5 and Article 78 insofar as it extends to those paragraphs.

Transitional and saving provisions relating to Articles 50 and 53 to 58 of the 1990 (No. 2) Order

4. Articles 50 and 53 to 58 of the 1990 (No. 2) Order shall have effect subject to the transitional and saving provisions set out in the Schedule.

Saving provision relating to Article 66 of the 1990 (No. 2) Order

5. The insertion of the new Article 121A into the 1986 Order by Article 66 of the 1990 (No. 2) Order shall not be construed as affecting any right, privilege, obligation or liability acquired, accrued or incurred prior to the commencement of Article 66 by this Order.

Transitional and saving provisions relating to Article 69 of the 1990 (No. 2) Order

6.—(1) Where in consequence of the coming into operation of Article 69(2) of the 1990 (No. 2) Order a person's interest in the shares of a company becomes notifiable, and he is or becomes aware that he has such an interest,

(a) then he comes under an obligation to make notification to the company in respect of it, and

(b) the obligation must be performed within the period of 2 days next following the day on which he is or becomes so aware,

and the provisions of Part VII of the 1986 Order apply as if that obligation arose under Article 206 of that Order.

(2) Any day that is a Saturday or Sunday or a bank holiday (as defined in Article 2(3) of the 1986 Order) is to be disregarded in reckoning the period of 2 days referred to in paragraph (1)(b).

(3) The coming into operation of Article 69(3) of the 1990 (No. 2) Order does not affect the time for fulfilling any obligation which arose before 11th March 1991.

Transitional provision relating to Article 71 of the 1990 (No. 2) Order

7.—(1) This Article applies where a body corporate has changed the situation of its registered office prior to the coming into operation of Article 71 of the 1990 (No. 2) Order (which substitutes a new Article 295 of the 1986 Order for the old Article 295 thereof) but has not given notice of the

change in the prescribed form to the registrar as required by paragraph (2) of the old Article 295 of the 1986 Order.

(2) Where this Article applies, paragraphs (2) and (3) of the old Article 295 shall continue to have effect.

Transitional provision relating to Article 72(2) of the 1990 (No. 2) Order

8. The new paragraph 5A inserted by Article 72(2) of the 1990 (No. 2) Order into Part I of Schedule 7 to the 1986 Order shall not have effect for a director's report of a company for a financial year commencing on a date prior to 1st April 1990.

Saving for the Interpretation Act (Northern Ireland) 1954

9. Nothing in Articles 4 or 7 of, or the Schedule to, this Order is to be taken as prejudicing the application of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954(**5**).

Repeals

10.—(1) In Part VI of the 1990 (No. 2) Order the repeals effected by Schedule 6 in or of:

(a) Articles 2(2), 209, 210(1), 217(1)(h), 428, 439(3), 440(1), 442(1), 445(1)(b), 602(1), 665(2), 666(1) of and Schedules 4, 9 and 23 (except insofar as Schedule 6 repeals the entries relating to Articles 372(4), 373(3) and 397(9)) to the 1986 Order (subject to paragraph (2));

(b) paragraph 37 of Schedule 16 to the Financial Services Act 1986(**6**);

(c) Article 24 of and paragraph 9 of Schedule 4 to the Companies (Northern Ireland) Order 1989(**7**);

(d) paragraph 19 of Schedule 9 to the Insolvency (Northern Ireland) Order 1989(**8**), and

(e) Schedules 10 and 15 to the Companies (Northern Ireland) Order 1990(**9**),

together with Article 113 so far as relating to those repeals shall come into operation on 11th March 1991.

(2) Where paragraph (1) states that a repeal is subject to this paragraph, that repeal is to be subject to any relevant transitional or saving provisions made by any provision of this Order.

Sealed with the Official Seal of the Department of Economic Development on

5th February 1991.

A. H. McAlister
Assistant Secretary

(**5**) 1954 c. 33 (N.I.)
(**6**) 1986 c. 60
(**7**) S.I. 1989/2404 (N.I. 18)
(**8**) S.I. 1989/2405 (N.I. 19)
(**9**) S.I. 1990/593 (N.I. 5)